

Republic of Iraq
Federal Supreme Court
Ref. 170 /federal /2019



Kurdish text

The Federal Supreme Court (F.S.C.) has been convened on 22/12/2019 headed by the Judge Madhat Al-Mahmood and the membership of Judges Farooq Mohammed Al-Sami, Jaafar Nasir Hussein, Akram Taha Mohammed, Akram Ahmed Baban, Mohammed Saib Al-Nagshabandi, Abood Salih Al-Temime, Hussein Abbas Abu Al-Temmen and Mohamed Rajab Al-Kubaisy who are authorized in the name of the people to judge and they made the following decision:

The Request:

The President of the Republic requested the Federal Supreme Court by the letter No. (4020 on 19/12/2019) the following:

Sub / Inquiry

The honorable Mr. President of the Federal Supreme Court

Best regards

According to article (76) of the constitution, the president of the republic shall assign the candidate of the parliamentary bloc of the largest number to form the cabinet of ministers, on the last day of the assignment more than one parliamentary bloc has submitted a candidate to be assigned, stating in the nomination letter that it is the parliamentary bloc with the largest number.

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The Presidency of the republic has submitted it letter (null) dated on 15/12/2019 to the council of representatives inquiring about the bloc with the largest number that have the right to nominate the person to be assigned to form the cabinet of ministers, the council of ministers responded by it letter No.(mim/ra/1338) on 16/12/2019 stating that the parliamentary bloc with the largest number is the bloc the assigned Mr. Adel Abd Almahdy to form the council of ministers on 2/10/2018, and attached with his letter the signatures of (16) political entities, knowing that the parliamentary blocs that has submitted to be the parliamentary bloc with the largest number are part of the mentioned bloc in the letter of the council of representatives above.

Pleas to inform us the mechanism to determinate the bloc with the largest number that nominate the person to form the council of ministers.))

The decision:

The listed request above has been set under scrutiny and deliberation by the F.S.C. in the session held on 22/12/2019, after scrutiny and deliberation and reviewing the priorities of the interpretation of the article (76) provision of the Iraqi constitution for 2005 by it decision issued on 25/3/2010 No. (25/federal/2010) that was confirmed by it decision issued on 11/8/2014 No.(45/teh. Qaf/2014) which includes that the expression of (the parliamentary bloc with the largest number) stipulated in article (76) of the constitution means, ether, the bloc the

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was formed after the election throw one electoral list, or, the bloc that was formed after the election from two or more electoral lists and interred the council of representatives and it seats (after interring the council and it members toke the constitutional oath on first session) become the largest number than the rest of the blocs, then the president of the republic shall assign it candidate to form the council of ministers under the provision of article (76) of the constitution and during the duration of time listed in it. That what was decided by the federal supreme court in it mentioned decisions on the interpretation of article (76) of the constitution and clearing the concept of the parliamentary bloc with the largest number. As the decisions of the F.S.C. are final and binding to all authorities legislator, executive, and judicial as stipulated in article (47) of the constitution, and as the F.S.C. is one of its components according to article (89) of the constitution therefore it is obligated by the decisions and rulings that it issues. According to that the F.S.C. decided to bind to it mentioned decisions attached to this decision of the interpretation of article (76) provision of the constitution according to what stated within them. This decision has been issued unanimously and final according to the provision of article (94) of the constitution and article (5) of the F.S.C. law and issued publicly on 22/12/2019.